

HOUSE BILL 50

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L2

2003 Regular Session
3r0629
CF 3r1009

By: **Delegate Elmore**

Introduced and read first time: January 20, 2003

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 11, 2003

CHAPTER _____

1 AN ACT concerning

2 **Somerset County - Clerk to the Board of County Commissioners**

3 FOR the purpose of consolidating and clarifying the provisions in the Somerset
4 County Code relating to the clerk to the Board of County Commissioners;
5 providing that the term of the clerk is 4 years and runs concurrently with the
6 term of office of the members of the Board of County Commissioners; providing
7 for the term of office of the clerk to the Board of County Commissioners serving
8 in office on the effective date of this Act; and generally relating to the clerk to
9 the Board of County Commissioners of Somerset County.

10 BY repealing

11 The Public Local Laws of Somerset County
12 Section 2-201 and 2-202
13 Article 20 - Public Local Laws of Maryland
14 (1994 Edition, as amended)

15 BY adding to

16 The Public Local Laws of Somerset County
17 Section 2-201
18 Article 20 - Public Local Laws of Maryland
19 (1994 Edition, as amended)

20 BY renumbering

21 The Public Local Laws of Somerset County
22 Section 2-203 and 2-204, respectively
23 to be Section 2-202 and 2-203, respectively

1 Article 20 - Public Local Laws of Maryland
2 (1994 Edition, as amended)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That Section(s) 2-201 and 2-202 of Article 20 - Somerset County of the
5 Code of Public Local Laws of Maryland be repealed.

6 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
7 read as follows:

8 **Article 20 - Somerset County**

9 2-201.

10 (A) THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT A CLERK ON
11 THE FIRST DAY THAT THE COUNTY COMMISSIONERS' TERM OF OFFICE BEGINS.

12 (B) THE TERM OF THE CLERK IS 4 YEARS AND SHALL RUN CONCURRENTLY
13 WITH THE TERM OF OFFICE OF THE COUNTY COMMISSIONERS.

14 (C) IF THE OFFICE OF THE CLERK BECOMES VACANT BECAUSE OF THE
15 DEATH, RESIGNATION, INCOMPETENCY, OR OTHER DISQUALIFICATION OF THE
16 CLERK FOR THE OFFICE, THE BOARD OF COUNTY COMMISSIONERS SHALL FILL THE
17 VACANCY FOR THE PERIOD OF THE UNEXPIRED TERM.

18 (D) THE CLERK SHALL RECEIVE AN ANNUAL SALARY AS SET BY THE BOARD
19 OF COUNTY COMMISSIONERS.

20 (E) BEFORE TAKING UP THE CLERK'S OFFICIAL DUTIES, THE CLERK SHALL
21 TAKE AND SUBSCRIBE TO THE FOLLOWING OATH OR AFFIRMATION BEFORE ANY
22 ONE OF THE COUNTY COMMISSIONERS, ANY ONE OF WHOM MAY ADMINISTER THE
23 OATH: "I, (NAME OF CLERK), DO SOLEMNLY SWEAR OR AFFIRM THAT, AS CLERK TO
24 THE BOARD OF COUNTY COMMISSIONERS, I WILL HONESTLY AND FAITHFULLY, TO
25 THE BEST OF MY SKILL AND JUDGMENT, EXECUTE THE DUTIES PERTAINING TO THE
26 OFFICE WHICH I AM ABOUT TO ASSUME, WITHOUT FAVOR, PARTIALITY, OR
27 PREJUDICE, SO HELP ME GOD."

28 (F) THE CLERK SHALL PERFORM ALL DUTIES REQUIRED OF THE CLERK BY
29 LAW OR WHICH MAY BE REQUIRED BY AN ORDER OF THE BOARD OF COUNTY
30 COMMISSIONERS.

31 (G) (1) THE CLERK SHALL CAUSE TO BE MADE COMPLETE AND ACCURATE
32 MINUTES OF ALL TRANSACTIONS AND PROCEEDINGS OF THE BOARD OF COUNTY
33 COMMISSIONERS ~~TO BE MADE~~. THE CLERK SHALL CAUSE THE TRANSACTIONS,
34 PROCEEDINGS, AND ORDERS OF THE BOARD OF COUNTY COMMISSIONERS TO BE
35 RECORDED IN SUITABLE BOOKS FOR THAT PURPOSE.

36 (2) THE CLERK SHALL ENDORSE AND FILE ALL PAPERS PRESENTED TO
37 THE BOARD OF COUNTY COMMISSIONERS AND ACTED ON BY ~~THE BOARD OF~~
38 COUNTY COMMISSIONERS.

1 (3) THE CLERK SHALL KEEP AND CAREFULLY PRESERVE ALL BOOKS
2 AND PAPERS PERTAINING TO THE BOARD OF COUNTY COMMISSIONERS.

3 (4) (I) DURING REGULAR OFFICE HOURS EACH WEEKDAY, OTHER
4 THAN LEGAL HOLIDAYS, THE CLERK, AT THE REQUEST OF ANY CITIZEN OR
5 TAXPAYER OF THE COUNTY, SHALL SHOW THE BOOKS IN THE BOARD OF COUNTY
6 COMMISSIONERS' OFFICE TO THAT PERSON AND MAKE AND CERTIFY COPIES OR
7 EXTRACTS FROM THOSE BOOKS ON THE REQUEST OF THAT PERSON.

8 (II) THE CLERK MAY CHARGE AN APPROPRIATE FEE TO MAKE THE
9 COPIES.

10 (5) (I) THE CLERK SHALL GIVE BOND IN THE PENALTY OF \$5,000
11 PROPERLY CONDITIONED ON THE FAITHFUL PERFORMANCE OF THE CLERK'S
12 DUTIES.

13 (II) THE BOND SHALL BE SECURED BY A BONDING OR SURETY
14 COMPANY.

15 (III) THE PREMIUM ON THE BOND SHALL BE APPROVED AND PAID
16 BY THE BOARD OF COUNTY COMMISSIONERS.

17 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 2-203 and
18 2-204, respectively, of Article 20 - Somerset County of the Code of Public Local Laws
19 of Maryland be renumbered to be Section(s) 2-202 and 2-203, respectively.

20 SECTION 4. AND BE IT FURTHER ENACTED, That the clerk to the Board of
21 County Commissioners of Somerset County serving in office on the effective date of
22 this Act shall remain in that position through the full term of office of the members of
23 the Board of County Commissioners of Somerset County that began on the first
24 Tuesday in December 2002, and is eligible to be reappointed as clerk after the next
25 election of the Board in November 2006.

26 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 June 1, 2003.